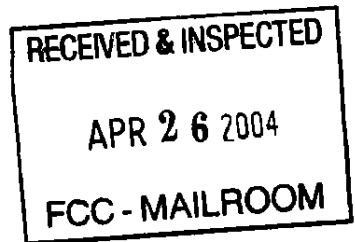




INSTRUCTIONAL TECHNOLOGY DEPARTMENT
5201 ARNOLD AVENUE MCLELLAN PARK SACRAMENTO, CA 95652
OFFICE (916) 570-0210 FAX (916) 570-0268



Date: April 21, 2004

To: Secretary of the Federal Communications Commission
Washington, D.C. 20554

RE: CC Docket No. 02-6
Proceeding Number DA 04-981, April 12, 2004.
Petition for Reconsideration.

Dear Sir,


Please receive this letter as a Petition for Reconsideration regarding DA 04-981, April 12, 2004, in which the Telecommunications Access Policy Division, Wireline Competition Bureau has denied the Grant Joint Union High School District's appeal of the application #316355 based on the Universal Service Administrative Company's (SLD) receipt date of the appeal.

The decision states that SLD records indicate Grant's appeal was received by the SLD on May 12, 2003, which is beyond the sixty day allowable window. However, United States Postal Service tracking delivery record EV342147455US indicates that Grant's appeal package was indeed delivered to the SLD on Friday, May 9, 2003 at 12:34pm and signed for by an SLD employee. This date and time is within the allowable sixty day window. Please review the attached official United States Postal Service tracking and confirmation information as proof of delivery to the SLD on May 9, 2004 at 12:34pm.

Based on the above USPS records it is Grant's belief that the package was received by the SLD on the afternoon of Friday, May 9, 2003. However, we believe the receipt of the appeal was not entered into SLD records until the following Monday, May 12, 2003. This delay explains the differences between SLD records and the official delivery confirmation record of the USPS.

We respectfully request further review and reconsideration of this difference in receipt dates, based on the official delivery confirmation of the United States Postal Service.

Sincerely,


Jim Chapman
Director of Instructional Technology
Grant Joint Union High School District

No. of Copies rec'd 
List ABCDE

cc: Attachments

1. United State Postal Service tracking documents (2)
2. FCC Memo & Order
3. Grant's original appeal



Track/Confirm - Intranet Item Inquiry - Domestic

Item: EV34 2147 455U S

Date/Time Mailed: 05/08/2003 12:07

Destination	ZIP Code: 07981	City: WHIPPANY	State: NJ
Origin	ZIP Code: 95660-9998	City: NORTH HIGHLANDS	State: CA

Class: Express Mail - PO to Addressee

Scheduled Delivery: 05/09/2003 12:00

Weight: lb: oz: 2

Postage: \$13.65

Delv Rqmt: Normal

Po Box?: N

Event	Date	Time	Location
DELIVERED	05/09/2003	12:34	WHIPPANY NJ 07981
Recipient : 'A GOMZOLDZ'			
Request Delivery Reason			
View Delivery Signature and Address			
NOTICE LEFT	05/09/2003	11:33	WHIPPANY NJ 07981
ARRIVAL AT UNIT	05/09/2003	11:33	WHIPPANY NJ 07981
ENROUTE	05/09/2003	09:56	WHIPPANY NJ 07999
ENROUTE	05/09/2003	08:40	07113
ENROUTE	05/08/2003	15:46	WEST SACRAMENTO CA 95799
ACCEPT OR PICKUP	05/08/2003	12:07	NORTH HIGHLANDS CA 95660

Enter Request Type and Item Number:

Quick Search ☒Extensive Search ☐[Explanation of Quick and Extensive Searches](#)

Item Number


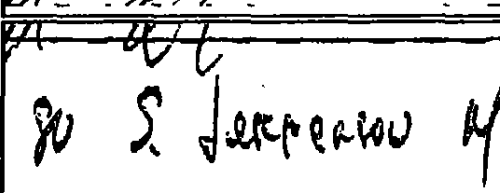
Submit



Inquire on multiple items.Go to the Product Tracking System Home Page.



Track/Confirm - Intranet Item Inquiry
Item Number: EV34 2147 455U S

This item was delivered on 05/09/2003 at 12:34.

Delivery Section	
Signature:	
Address:	

Enter Request Type and Item Number:	
Quick Search <input checked="" type="radio"/>	Extensive Search <input type="radio"/>
	
Item Number	

Inquire on multiple items.

Go to the Product Tracking System Home Page.



Federal Communications Commission
Washington, D.C. 20554

Memo

To: Jim Chapman, Director of Instructional Technology
Grant Joint Union SD

From: Narda Jones, Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

Date: April 12, 2004

Re: DA 04-981 Released April 12, 2004

Please find accompanying this memo the Commission's decision on your Request for Review. The accompanying decision may be referenced in the future by its Proceeding Number and release date: DA 04-981 April 12, 2004.

If you are not satisfied with this decision, you may file a petition for reconsideration with the Commission within 30 days of the release date of the decision.¹ However, the petition will generally be granted only if it demonstrates an error in the decision based upon (1) facts which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or (2) facts unknown to petitioner until after the Request for Review was filed and which could not, through the exercise of ordinary diligence, have been learned prior to that time.² Petitions for reconsideration are decided by the Wireline Competition Bureau of the Commission.

You may also file an application for review with the Commission if you are displeased with this decision. Your application for review must be filed within 60 days of the release date of the decision pursuant to section 1.115(c) of our rules. Please note that the application for review will not be granted if it relies on questions of fact or law upon which the designated authority has been afforded no opportunity to pass.³ Applications for review are decided by the full Commission.

¹ See 47 C.F.R. § 1.106(f).

² See 47 C.F.R. § 1.106(b)(2).

³ See *Implementation of Interim Filing Procedures for Filings of Requests for Review*, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order, FCC-376, 17 FCC Rcd 339 (2002). See 47 U.S.C. § 1.115(c).

Petitions for reconsideration and applications for review should be submitted to the Secretary, Federal Communications Commission, Washington, D.C., 20554, they should reference CC Docket No. 02-6 as well as the Proceeding Number of the decision from which relief is sought, and should otherwise conform to the requirements the Commission's rules.⁴

If you have any questions regarding the foregoing, feel free to contact the Telecommunications Access Policy Division at (202) 418-7400.

⁴ See 47 C.F.R. § 1.106, 1.115

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Grant Joint Union High School District)	File No. SLD-316355
McClellan, California)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: April 9, 2004**Released: April 12, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Grant Joint Union High School District (Grant Joint), McClellan, California, seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) issued on March 10, 2003.¹ On May 12, 2003, Grant Joint appealed the decision to SLD, but SLD denied the appeal because Grant Joint filed the appeal more than 60 days after the decision was rendered.² We affirm SLD's decision. For a review of decisions by SLD issued on or after August 13, 2001, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.³ Here, Grant Joint filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore deny the Request for Review.

2. To the extent that Grant Joint additionally asks us to waive our rules in this instance, we deny its request.⁴ Grant Joint states that its records and those of the United Postal Service

¹ Letter from Jim Chapman, Grant Joint Union High School District, to Federal Communications Commission, filed June 3, 2003 (Request for Review). See also Letter from the School and Libraries Division, Universal Service Administrative Company, to Cyril Kalbach, Grant Joint Union High School District, dated March 10, 2003 (Funding Commitment Decision Letter). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² See Letter from Jim Chapman, Grant Joint Union High School District, to Schools and Libraries Division, Universal Service Administrative Company, filed May 12, 2003. Letter from the School and Libraries Division, Universal Service Administrative Company, to Jim Chapman, Grant Joint Union High School District, dated May 14, 2003.

³ 47 C.F.R. § 54.720(b). See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

⁴ 47 C.F.R. § 54.720(b).

indicate that SLD received Grant Joint's appeal on May 9, 2003 and not May 12, 2003.⁵ SLD's records and the Express Mail invoice, however, indicate that the appeal was postmarked on May 9, 2003, but was not received by SLD until May 12, 2003, after the 60-day window. Based on the rules in effect when Grant Joint filed its appeal, appeals are considered filed on the date they were received.⁶ Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.⁷ We find no such special circumstances in this case. Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁸

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on June 3, 2003, by Grant Joint Union High School District, McClellan, California, and the request to waive the 60-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION


Narda M. Jones

Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ Request for Review.

⁶ The Commission subsequently modified its rules so that appeals to the Administrator or the Commission are filed on the date they are postmarked. This rule was made effective on July 20, 2003. *See In the Matter of Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Order, 18 FCC Rcd 9222, para. 57 (2003).

⁷ 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁸ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.

GRANT
JOINT
UNION
HIGH
SCHOOL
DISTRICT



Instructional Technology Department
5201 Arnold Ave.
Building 7
McClellan, CA 95652

Main Office 916-570-0180
Fax 916-570-0268

May 7, 2003

Letter of Appeal,
Schools and Libraries Division
Box 125- Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

RE: Form 471 Application Number: 316355
Funding Request Numbers: 862941, 862968, 863009, 863040,
863074, & 863120
Funding Year 2002: 07/01/2002 – 06/30/2003
Billed Entity Number: 144621

Please use this letter as the formal correspondence to file an appeal regarding FRNs: 862941, 862968, 863009, 863040, 863074, & 863120 for the Grant Joint Union High School District Internal Connections. USAC identified the internal connections as "ineligible products: Polycom Via videos"

The Grant Unified Union High School District respectfully disagrees with the conclusion reached by USAC. It is our interpretation that the components and services listed under FRNs 862941, 862968, 863009, 863040, 863074, & 863120 meet the framework compliance for the video services described within the USAC "Eligible Services List" including but not limited to:

- a. CODECs used to compress and decompress audio/video signals
- b. Media Converters for network compatibility

If you have any questions or need additional information regarding this appeal, please contact Cyril Kalbach at (916) 570-0185.

Sincerely,

Jim Chapman- Director
Instructional Technology
5201 Arnold Avenue
McClellan, CA 95652



arising like the Phoenix

"A New Education
for a New Economy"